CM/ECF Administrative Guide of Policies and Procedures



U.S. District Court Northern District of Oklahoma

I. INTRODUCTION	3
II. ELECTRONIC CASE FILING SYSTEM - GENERAL INFORMATION	2
A. GENERAL POLICY	
B. ELIGIBILITY	
C. REGISTRATION	
D. PASSWORDS	
E. MODIFICATIONS AND AMENDMENTS OF ECF SYSTEM PROCEDURES	5
III. ELECTRONIC FILING AND SERVICE OF DOCUMENTS	<u>-</u>
A. GENERAL RULES FOR FILING	
B. GENERAL RULES FOR SERVICE	
C. SIGNATURES	
D. TITLES OF DOCKET ENTRIES	
E. FILING ERRORS	
F. ORDERS	
G. EXHIBITS, ATTACHMENTS, AND APPENDICES	
H. PRIVACY	J
IV. CONVENTIONAL FILING OF DOCUMENTS	1
A. GENERAL RULES FOR FILING	1
B. TYPES OF DOCUMENTS FILED CONVENTIONALLY BUT SCANNED BY THE COURT	
C. TYPES OF DOCUMENTS FILED CONVENTIONALLY, NOT IMAGED, BUT MAINTAINED IN PAPER	•
FORMAT BY THE COURT	1
TORWAT BY THE COURT	•
V. PUBLIC ACCESS TO THE ECF SYSTEM	2
A. PUBLIC ACCESS AT THE COURT	
B. REMOTE ACCESS - PACER	
C. PUBLIC ACCESS TO CRIMINAL CASE RECORDS	
D. PUBLIC ACCESS TO SOCIAL SECURITY CASES	
D. I ODLIC ACCESS TO SOCIAL SECONTT CASES	J
VI. MISCELLANEOUS	4
A. HYPERLINKS	1
B. TECHNICAL FAILURES	
VII. GLOSSARY OF TERMS	5

November 8, 2004 Page 2 of 16

I. INTRODUCTION

It is the policy of the United States District Court for the Northern District of Oklahoma to require attorneys and other permitted registrants to file papers with the Court electronically over the Internet except as may be stated in these policies. Parties will be able to view dockets and most documents electronically through the PACER system, regardless of their participation in the Electronic Case Filing ("ECF") System. LCvR5.1 and LCrR49.1 authorize electronic case filing in accordance with Fed. R. Civ. P. 5(e) and Fed. R. Crim. P. 49(d). The following policies and procedures govern electronic filing in this District unless, due to circumstances in a particular case, the assigned judge determines that these policies and procedures should be modified.

II. FLECTRONIC CASE FILING SYSTEM - GENERAL INFORMATION

A. GENERAL POLICY

After implementation of CM/ECF, all papers submitted for filing in this Court in civil and criminal cases, no matter when a case was originally filed, shall be filed electronically using the ECF System or shall be scanned and uploaded to the ECF System, unless otherwise permitted by these policies and procedures or unless otherwise authorized by the assigned judge. Documents may also be submitted for filing to the Clerk on 3.5" disks or CD-ROM as Portable Document Format (".pdf") files.

B. ELIGIBILITY

1. Attorneys

Attorneys admitted to the bar of this Court, including those admitted pro hac vice and those authorized to represent the United States, may register as Filing Users of the Court's Electronic Filing System. The Court will issue passwords only to attorneys in good standing. An attorney admitted *pro hac vice* must register for an account specific to this Court in accordance with these Policies and Procedures. Registration is in a form prescribed by the clerk and requires the Filing User's name, address, telephone number, Internet e-mail address, and a declaration that the attorney is admitted to the bar of this court.

2. Other

If the Court permits, a party to a pending civil action who is not represented by an attorney may register as a Filing User in the Electronic Filing System solely for purposes of the action. Registration is in a form prescribed by the clerk and requires identification of the action as well as the name, address, telephone number and Internet e-mail address of the party. If, during the course of the action, the party retains an attorney who appears on the party's behalf, the attorney must advise the clerk to terminate the party's registration as a Filing User upon the attorney's appearance. As a matter of routine practice litigants proceeding *pro se* (without attorney representation) will not be authorized to file electronically.

November 8, 2004 Page 3 of 16

C. REGISTRATION

1. Instructions

- a. Complete and sign an official ECF Registration Form AT-07, available as a fillable form on the Court's website at www.oknd.uscourts.gov. *Note:* The registrant may request assignment of the User Login utilized in another federal district court, but a random password will still be assigned.
- b. All signed original ECF Registration Forms shall be mailed or delivered to:

ECF Registration
Office of the Court Clerk
United States District Court for the Northern District of Oklahoma
333 West 4th Street, RM 411
Tulsa, OK 74103

2. E-mail Address

Provided that a Filing User has an Internet e-mail address, registration as a Filing User constitutes consent to electronic service of all documents as provided in these rules in accordance with the Federal Rules of Civil Procedure.

The e-mail address for service listed in the Registration Form will be the address required by Fed. R. Civ. P. 5, Fed. R. Civ. P. 77(d), and Fed. R. Crim. P. 49) for service, and transmission through the ECF System to that address of a Notice of Electronic Filing will constitute service. The registrant may also provide two (2) additional e-mail addresses to which courtesy copies of ECF notices will be sent. To confirm that the Clerk has correctly entered a registrant's Internet e-mail address in the ECF System the Clerk will send the registrant an Internet e-mail message upon assignment of User Login and Password.

3. Change of Contact Information

If an e-mail address, mailing address, telephone, or fax number listed on the original ECF Registration Form changes, complete and sign an official Attorney CM/ECF Information Update Form AT-08, available as a fillable form on the Court's website at www.oknd.uscourts.gov. Return the form in the same manner as the registration form. *Note*: The user is still required to file and serve a notice of the change in each of their open cases.

D. PASSWORDS

1. Assignment

- Once registration is completed, the Filing User will receive notification of the user log-in and password by regular, first-class mail. Upon receipt of a User Login and Password, the registrant may begin filing papers electronically with the Court.
- As mentioned above, the registrant may request assignment of the User Login utilized in another federal district court, but a random password will still be assigned.

November 8, 2004 Page 4 of 16

• After registering and receiving a login and password from the Court, registrants may change their passwords as necessary using the ECF System's utility menu.

2. Rules for Use

The combination of this User Login and Password will serve as the registrant's official signature for purposes of the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure, and any applicable statute or regulation of the United States.

No registrant shall permit the User Login and Password to be utilized by anyone other than persons specifically authorized by the registrant. Once registered, the registrant is responsible and accountable for all documents filed with that User Login and Password. Users may be subject to sanctions for failure to comply with this provision.

3. Security

Filing Users agree to protect the security of their passwords and immediately notify the clerk if they learn that their password has been compromised. If a Password is believed to be compromised, the registrant must immediately notify the Clerk's Office by telephone at (918) 699-4700 or by e-mail at CM-ECFIntake_OKND@oknd.uscourts.gov and change the Password immediately using the ECF System's utility menu.

E. MODIFICATIONS AND AMENDMENTS OF ECF SYSTEM PROCEDURES

The assigned judge may modify these procedures in specific cases without prior notice, if deemed appropriate. The Court may also amend these procedures at any time without prior notice. Modifications and amendments to ECF System procedures will be posted on the Court's website at www.oknd.uscourts.gov.

III. ELECTRONIC FILING AND SERVICE OF DOCUMENTS

A. GENERAL RULES FOR FILING

- All motions, pleadings, briefs, or other documents in civil and criminal cases, except those specifically prohibited in Section IV shall be electronically filed on the ECF System.
- Electronic transmission of a document to the Electronic Filing System consistent with this guide, together with the transmission of a Notice of Electronic Filing from the court, constitutes filing of the document for all purposes of the Federal Rules of Civil Procedure and the local rules of this court, and constitutes entry of the document on the docket kept by the clerk under Fed.R.Civ.P. 58 and 79. E-mailing a document to the Clerk's office shall not constitute "filing" of the document.
- When a document has been filed electronically, or filed conventionally and imaged by the court, the official record is the electronic recording of the document as stored by the court, and the filing party

November 8, 2004 Page 5 of 16

- is bound by the document as filed. A document filed electronically is deemed filed at the date and time stated on the Notice of Electronic Filing from the court.
- Filing a document electronically does not alter the filing deadline for that document. ECF registrants may file papers 24 hours a day, seven days a week. Filing must be completed before midnight local time where the court is located in order to be considered timely filed that day. Filing a paper electronically does not, however, alter the filing deadline for that paper. If the assigned judge has ordered the pleading or other paper to be filed by a time certain, it must be filed by that time.

B. GENERAL RULES FOR SERVICE

- The "Notice of Electronic Filing" that is automatically generated by the court's Electronic Filing System constitutes service of the filed document on Filing Users. Parties who are not Filing Users or who are not represented by Filing Users must be served with a copy of any pleading or other document filed electronically in accordance with the Federal Rules of Civil Procedure and the local rules.
- A certificate of service must be included with all documents filed electronically, indicating that
 service was accomplished through the Notice of Electronic Filing for parties and counsel who are
 Filing Users and indicating how service was accomplished on any party or counsel who is not a
 Filing User. Sample language for a certificate of service is available on the Court's website at
 www.oknd.uscourts.gov.
- Counsel may serve any electronically filed pleading or paper on a party who is not a registered participant by e-mail, if the recipient has consented to such service in writing.
- Fed. R. Civ. P. 6(e) and Fed. R. Crim. P. 45(c) apply to service by electronic means.

C. SIGNATURES

1. Filing Attorney Signature

The user log-in and password required to submit documents to the Electronic Filing System serve as the Filing User's signature on all electronic documents filed with the court. They also serve as a signature for purposes of Fed.R.Civ.P. 11, the Federal Rules of Civil Procedure, the local rules of this court, and any other purpose for which a signature is required in connection with proceedings before the court.

- Each document filed electronically must, if possible, indicate that it has been electronically filed.
- The name of the Filing User under whose login and password the document is submitted must be preceded by an "s/" and typed in the space where the signature would otherwise appear. In addition, electronically filed documents must include a signature block and must set forth the name, the name of the party you represent, address, telephone number and the attorney's [name of state] bar registration number, if applicable. The correct format is as follows:

November 8, 2004 Page 6 of 16

s/ Lawyer Name

Lawyer Name

[State abbrv.] Bar Number: xxxx (e.g. OK Bar Number: 12345)

Attorney for (Plaintiff/Defendant)

ABC Law Firm xxx South Street Tulsa, OK 74103

Telephone: (918) xxx-xxxx

2. Non-Filing Attorney Signature

Documents containing the signature(s) of non-Filing Attorneys (i.e. attorneys not registered for ECF or attorneys who are registered, but are not the filer of the document) are to be filed electronically with the signature represented by an "s/" and the name typed in the space where a signature would otherwise appear, or as a scanned image. Such approval shall be indicated as follows:

<u>s/ Plaintiff Attorney</u> <u>s/ Filing Attorney</u>

(Signed by Filing Attorney with permission of Plaintiff Attorney) or,

(Signed copy of document bearing signature of Plaintiff Attorney is being maintained in the office of Filing Attorney)

- The filing attorney is responsible for maintaining a record of when and how permission was obtained to sign the other attorney's name until all appeals have been exhausted or the time for seeking appellate review has expired.
- The filing attorney may obtain and maintain a paper copy of the document signed by the other attorney. The filing attorney shall maintain the signed copy of the document until all appeals have been exhausted or the time for seeking appellate review has expired.
- The filing attorney may obtain original signatures, scan the signature page **only**, and file it as an attachment to the pleading or other paper. The filing attorney shall maintain the signed original until all appeals have been exhausted or the time for seeking appellate review has expired.

3. Non-User Signature

Documents that are required to be signed by persons who are not counsel of record (*e.g.*, verified pleadings, contracts, affidavits, etc.) may be submitted in electronic format in any of the following ways, so long as the filer has and maintains the signed original until all appeals have been exhausted or the time for seeking appellate review has expired:

a. An electronic version of the document bearing "s/ (name)" can be filed along with a statement that the filer has the signed original, for example:

s/ Plaintiff Smith*

*I certify that I have the signed original of this document, which is available for inspection at any time by the Court or a party to this action.

November 8, 2004 Page 7 of 16

s/ Filing Attorney

- b. An electronic version of the document bearing "s/ (name)" can be filed with a scanned copy of the signature page as an attachment.
- c. If the document containing original signatures is not digitally available, it may be scanned and filed electronically.

Note: Anyone who disputes the authenticity of any signature must file an objection to the pleading or other paper within ten (10) days of service.

D. TITLES OF DOCKET ENTRIES

The party electronically filing a pleading or other paper shall be responsible for designating a title for the document by using one of the docket event categories prescribed by the Court. The docket event categories are contained in the ECF Event Lists, which can be found on the Court's website at www.oknd.uscourts.gov.

E. FILING ERRORS

Once a pleading or other paper is submitted and becomes part of the case, the ECF System will not permit the filer to change the pleading or other paper or the docket entry.

Filers should make every effort to ensure that they do not file a pleading or paper other than the one intended to be filed, that it is filed in the correct case, and that it does not contain information that should have been redacted or filed under seal. The Clerk's Office should be immediately notified of any mistakes by telephone at (918) 699-4700 or by e-mail at CM-ECFIntake_OKND@oknd.uscourts.gov. The notifier should provide the Clerk's Office with the case number and docket number of the erroneous entry. The filer may file a motion to withdraw, but should not file the replacement document unless directed to do so.

F. ORDERS

1. Orders

All orders, decrees, judgments, and proceedings of the court will be filed in accordance with these rules, which will constitute entry on the docket kept by the clerk under Fed.R.Civ.P. 58 and 79.

- All signed orders will be filed electronically by the court or court personnel, except for those filed under seal.
- Any order or other court-issued document filed electronically without the original signature of a
 judge or clerk has the same force and effect as if the judge or clerk had signed a paper copy of the
 order and it had been entered on the docket in a conventional manner.
- Orders may also be issued as "text-only" entries on the docket, without an attached document. Such
 orders are official and binding.

November 8, 2004 Page 8 of 16

• When mailing or faxing a copy of an electronically filed order to a party who is not a registered participant of the ECF System, the Clerk will include the Notice of Electronic Filing to provide the recipient with proof of filing.

2. Proposed Orders

- When filing a motion for which no supporting brief is required in accordance with LCvR7.1(B), the moving party shall submit a proposed order granting the requested relief.
- The motion, which shall comply with LCvR7.1(B), must be filed prior to submitting the proposed order, and the proposed order must refer to the docket entry number for the motion.
- All proposed orders shall be in a format compatible with WordPerfect, which is a "Save As" option in most word processing software; proposed orders in .pdf format will not be accepted.
- All proposed orders shall be submitted to the Clerk via the designated mailbox at CM-ECFIntake_OKND@oknd.uscourts.gov.

G. EXHIBITS, ATTACHMENTS, AND APPENDICES

Filing Users must submit in electronic form all documents referenced as exhibits or attachments, unless the court permits conventional filing.

- A Filing User must submit as exhibits or attachments only those excerpts of the referenced documents that are directly germane to the matter under consideration by the court.
- Excerpted material must be clearly and prominently identified as such.
- Filing Users who file excerpts of documents as exhibits or attachments under this rule do so without prejudice to their right to timely file additional excerpts or the complete document.
- Responding parties may timely file additional excerpts or the complete document that they believe are directly germane.
- The court may require parties to file additional excerpts or the complete document.
- Exhibits, attachments, and appendices that are filed electronically shall be submitted as separate attachments to the pleading or other paper and shall be clearly labeled with the appropriate exhibit number.
- As the ECF System automatically rejects filings that are greater than five (5) megabytes, documents that exceed five (5) megabytes when converted to electronic form must be broken up into separate documents.

November 8, 2004 Page 9 of 16

H. PRIVACY

1. Redacted Documents

- a. To comply with the policy of the Judicial Conference of the United States and the E-Government Act of 2002, filers shall omit or, where inclusion is necessary, partially redact the following personal data identifiers from all electronically filed pleadings, papers, and exhibits, unless otherwise ordered. Refer to General Order 04-10 for more information.
 - i. Social Security numbers: Use only the last four numbers.
 - ii. Minors' names: Use the minors' initials.
 - iii. Dates of birth: Use only the year.
 - **iv. Financial account numbers:** Identify the name or type of account and the financial institution where maintained, but use only the last four numbers of the account number.
- b. The filer may omit or, where inclusion is necessary, partially redact the following confidential information from all electronically filed pleadings, papers, and exhibits, unless the assigned judge orders otherwise:
 - i. Personal identifying number, such as driver's license number
 - ii. Medical records, treatment, and diagnosis
 - iii. Employment history
 - iv. Individual financial information
 - v. Proprietary or trade secret information

2. Unredacted Documents

A filer may file under seal a document containing the unredacted personal data identifiers listed above or file a reference list without requiring a specific court order if said document indicates in the heading or style that it is an "UNREDACTED VERSION OR REFERENCE LIST pursuant to General Order 04-10."

3. Responsibility to Redact

The responsibility for redacting personal data identifiers rests solely with counsel and the parties. The Clerk will not review documents for compliance with this rule, seal documents containing personal data identifiers, or redact documents.

November 8, 2004 Page 10 of 16

IV. CONVENTIONAL FILING OF DOCUMENTS

A. GENERAL RULES FOR FILING

- The procedures listed in Section IV govern certain documents filed conventionally. The assigned judge, upon application, may authorize conventional filing of other documents.
- The court will keep the paper copy of any document filed conventionally and imaged for a short period of time in order to assure the scanned image is legible. After a short retention period that will be determined by the court, the paper copy of the document will be discarded.
- For those documents filed conventionally, but not scanned by the court as designated in these rules, the paper document filed with the court shall be deemed the original.

B. TYPES OF DOCUMENTS FILED CONVENTIONALLY BUT SCANNED BY THE COURT

1. All Initiating Documents in Civil, Criminal, Miscellaneous, and Magistrate Cases

This includes complaints, notices of removal, informations, and indictments.

2. Documents filed by Pro Se Litigants and other non CM/ECF users

Pro se litigants and other non CM/ECF users shall file paper originals and one copy of all complaints, pleadings, motions, affidavits, briefs, and other documents. The Clerk will scan these original documents and upload to the ECF System.

C. TYPES OF DOCUMENTS FILED CONVENTIONALLY, NOT IMAGED, BUT MAINTAINED IN PAPER FORMAT BY THE COURT

1. Cases or Documents to be Filed Under Seal

Unless specified under General Order 04-10, leave of court is required to file a document under seal. An applicant shall request such leave by filing a motion and submitting a proposed order granting the relief. If the motion is granted, the filer shall then deliver the original and one copy of the document to the Clerk for conventional filing under seal. Any document filed under seal will be maintained by the Clerk in paper form unless the assigned judge orders the document unsealed.

2. State Court Records and Transcripts in Habeas Matters

Absent a showing of good cause, all documents filed by attorneys in habeas cases shall be filed electronically except the state court record and transcripts, which shall be conventionally filed and served. The Clerk will maintain the state court record and transcripts in paper form.

3. Social Security Cases

Absent a showing of good cause, all documents in Social Security cases shall be filed and noticed electronically *except* the Social Security administrative record and transcripts, which shall be conventionally filed and served. The Clerk will maintain the administrative record and transcripts in paper form.

November 8, 2004 Page 11 of 16

4. Administrative Records

Due to the size of records in ERISA (Employee Retirement Income Security Act) and other types of administrative review, administrative records will not be routinely imaged.

5. Documents Larger than five (5) Megabytes When Converted to PDF Format

Certain documents, such as pictures, odd-sized originals, etc., that cannot be broken up into smaller files will not be imaged.

6. Official Transcripts of Court Proceedings

In September 2003 the Judicial Conference adopted a policy that courts should provide electronic availability to transcripts. However, the implementation date was delayed, pending final approval. Until a final decision has been made on this policy, the court will not image transcripts.

7. Other Conventional Filings

For cause shown, an attorney may apply to the assigned judge for permission to file documents conventionally. Even if permission to file papers conventionally is granted, that permission may be withdrawn at any time during the pendency of the litigation.

V. PUBLIC ACCESS TO THE ECE SYSTEM

A. PUBLIC ACCESS AT THE COURT

1. Hours

Electronic access by the public to the electronic docket and documents filed in the ECF System is available at no charge at the Clerk's Office during regular business hours (unless otherwise indicated, Monday through Friday, 8:30 a.m. to 4:30 p.m.).

2. Fees

Conventional copies and certified copies of electronically filed documents may be purchased at the Clerk's Office. The fee for copying and certifying will be in accordance with 28 U.S.C. §1914.

B. REMOTE ACCESS - PACER

1. Hours

Remote electronic access to the ECF System is limited to subscribers to the Public Access to Court Electronic Records ("PACER") system. The ECF system is routinely available 24 hours a day, 7 days a week.

2. Fees

The Judicial Conference of the United States has ruled that a user fee will be charged for remotely accessing detailed case information, such as filed documents and docket sheets. Such fees do not apply

November 8, 2004 Page 12 of 16

to the initial viewing of a document served via a Notice of Electronic Filing. If, however, the document is again remotely accessed through PACER, a fee of eight cents (\$.08) per page will be incurred.

C. PUBLIC ACCESS TO CRIMINAL CASE RECORDS

General Order 04-10 explains the Court's policy regarding this matter. In summary, this General Order advises that if sensitive information must be included in a document filed with the court, certain personal data identifiers must be partially redacted from the pleading. Further, in compliance with the E-Government Act of 2002, a party filing a redacted document may at the same time file an unredacted document under seal containing the personal data identifiers, without a specific court order, if the document indicates that it is an "UNREDACTED VERSION OR REFERENCE LIST pursuant to General Order 04-10" or file a reference list under seal that contains "the complete personal data identifier(s) and the redacted identifier(s) used in its (their) place in the filing." Please note also that it is the sole responsibility of counsel and the parties to comply with all rules stated in this General Order. Please refer to the General Order for specific guidelines.

D. PUBLIC ACCESS TO SOCIAL SECURITY CASES

Attorneys are allowed to electronically file documents, except for the administrative record, in Social Security cases. Internet access to the individual documents will be limited to the case participants. This policy is based on Judicial Conference Committee recommendations, which state, "...Social Security cases warrant such treatment because they are of an inherently different nature from other civil cases ... Further, all Social Security disability claims, which are the majority of Social Security cases filed in district court, contain extremely detailed medical records and other personal information, which an applicant must submit in an effort to establish disability. Such medical and personal information is critical to the court and is of little or no legitimate use to anyone not a party to the case. Thus making such information available on the Internet would be of little public benefit and would present a substantial intrusion into the privacy of the claimant." Docket sheets, however, will be available over the Internet to non-parties, who will continue to have direct access to the documents on file at the Clerk's Office.

VI. MISCELLANEOUS

A. HYPERLINKS

According to the guidelines set forth by the Committee on Information Technology, allowing hyperlinks in electronic case filings does not inherently increase the security risk to the judiciary; therefore, hyperlinks are allowed in documents filed with the court. However, the judiciary should not require or encourage filers to choose any specific information source for a hyperlink reference. Additionally, the judiciary should not exercise any responsibility over the content at its destination. Also, because the availability and location of the information on the Internet is still highly volatile, the functioning of a hyperlink reference should not be guaranteed.

November 8, 2004 Page 13 of 16

In short, attorneys should keep in mind that, in following the judiciary's guidelines, the court shares the view that a hyperlink contained in filing is no more than a convenient mechanism for accessing material cited in the document, and a hyperlink reference is extraneous to any filed document and is not part of the court's record. Further, in order to preserve the integrity of the court record, attorneys wishing to insert hyperlinks in court filings should continue to use the traditional citation method for the cited authority, in addition to the hyperlink.

B. TECHNICAL FAILURES

1. Court's ECF System

A technical failure exists when the ECF System is unable to accept filings continuously or intermittently over the course of any period of time greater than two (2) hours after 12:00 p.m. that day. Check the Court's website for postings regarding any scheduled or other ECF System outages or downtimes. Should a filing be made untimely as the result of a technical failure of the Court's ECF System, the filer may seek appropriate relief from the assigned judge.

2. Filer's System

Problems on the filer's end, such as phone line problems, problems with the filer's Internet Service Provider (ISP), or hardware or software problems, will not constitute a technical failure under these procedures or excuse an untimely filing. Upon a showing of good cause, the assigned judge may grant appropriate relief for an untimely filing.

November 8, 2004 Page 14 of 16

VII. GLOSSARY OF TERMS

CD-ROM: Compact Disk-Read Only Memory, which is capable of storing a large amount of electronic data in a format that cannot be altered.

Conventional Filing or Conventionally Submitted Document: a filing submitted in paper or other non-electronic, tangible format.

Electronic Case Filing or Electronic Filing: submitting a pleading or other document, using the Court's Internet-based system (the ECF System) for filing in the Court's case file. Sending a document to the Clerk or the assigned judge via e-mail does not constitute "electronic filing."

ERISA: Employee Retirement Income Security Act, 29 U.S.C. §§1001-1461.

Floppy Disk: item on which a limited amount of electronic data may be stored.

Internet Service Provider (ISP): a company that provides access to the Internet. For a monthly fee, the service provider gives you a software package, username, password, and access phone number. Equipped with a modem, you can then log on to the Internet, browse the World Wide Web (www), and send and receive e-mail.

Notice of Electronic Filing: the notice generated by the ECF System when a document is filed. The notice of electronic filing includes information about what was filed, the text of the docket entry, the unique document stamp, and a list of case participants who will receive e-mail notification of the filing and a list of those who will not. The notice of electronic filing contains a hyperlink to the filed document.

PACER: the Federal Judiciary's system for Public Access to Court Electronic Records. A PACER account is required to retrieve documents and docket sheets from the ECF System after the initial transmission. To register for a PACER account, visit the PACER Service Center's website at www.pacer.psc.uscourts.gov.

Password: a series of letters and numbers initially assigned by the Court, which can be changed by the ECF registrant using the ECF System's utility menu.

Portable Document Format (.pdf) Files: a computer file that will look the same on the screen and in print, regardless of what kind of computer or printer is used and regardless of what software package was originally used to create it. A .pdf file is a picture of the original document that cannot be changed in any way, thereby safeguarding the information in the original document.

Pro Se Parties: parties proceeding without attorney representation.

Remote Access: offsite access to the Court's ECF System.

November 8, 2004 Page 15 of 16

Scanned Documents: an image recorded by an electronic device (a "scanner"). For best results, scanners should be configured to 200 dots per inch ("dpi") and black and white rather than color scanning. The filing party is responsible for the legibility of the scanned document.

Server: a computer or device on a network (two or more computers linked together) that manages network resources. For example, a file server is a computer and storage device dedicated to storing files. Any user on the network can store files on the server. A print server is a computer that manages one or more printers, and a network server is a computer that manages network traffic. A database server is a computer system that processes database queries.

Five (5) Megabytes (MB): five million bytes. A byte is the basic unit of information in computer storage and processing. Documents that are computer generated require fewer bytes than the equivalent pages of a scanned document. Likewise, documents that are text only use fewer bytes than graphics or photographs.

Upload: the process of adding electronic information from an external source.

User Login: a series of letters and numbers assigned by the Court to each ECF registrant.

November 8, 2004 Page 16 of 16